

## REMARKS

Reconsideration is respectfully requested in view of any changes to the claims and the remarks herein. Please contact the undersigned to conduct a telephone interview in accordance with MPEP 713.01 to resolve any remaining requirements and/or issues prior to sending another Office Action. Relevant portions of MPEP 713.01 are included on the signature page of this amendment.

New claims 182 to 198 are added by this Third Supplementary Amendment.

New claim 182 is substantially identical to claim 1 of US 6,424,388 of which the present application is a continuation application with the additional limitations:

said reflector/absorber structure partially reflects and  
partially absorbs said light incident on said spatial light  
modulator, said reflector/absorber structure comprises a  
dielectric layer, said dielectric layer comprising a first surface  
and a second surface opposite said first surface, said first  
surface has disposed in contact therewith a first layer  
comprising titanium and said second surface has disposed in  
contact therewith a second layer comprising titanium..

New claim 185 is identical to claim 1 of US 5,461,501 (Sato et al.) with the additional limitations:

a reflector/absorber structure which partially reflects and partially absorbs said light incident there, said reflector/absorber structure comprises at least one of said dielectric layer and said another dielectric layer wherein said at least one of said dielectric layer and said another dielectric layer has a first surface and an opposite second surface, said first surface has disposed in contact therewith a first layer comprising titanium, said second surface has disposed in contact with a layer comprising titanium .

New claim 187 is identical to claim 1 of US 5,461,501 (Sato et al.) with the additional limitations:

there being a first layer comprising titanium between said first metal layer and said dielectric layer;

there being a second layer comprising titanium between said second metal layer and said dielectric layer;

there being a third layer comprising titanium between said second metal layer and said another dielectric layer;

there being a fourth layer comprising titanium between said third metal layer and said another dielectric layer;

said first, said second said third and said fourth layers comprising titanium comprises a reflector/absorber structure which partially reflects and partially absorbs said light incident there.

New claim 195 is substantially identical to claim 1 of US 6,424,388 of which the present application is a continuation application with the additional limitations:

    said reflector/absorber structure partially reflects and partially absorbs said light incident on said spatial light modulator, said reflector/absorber structure comprises a dielectric layer, said dielectric layer comprising a first surface, said first surface has disposed in contact therewith a first layer comprising titanium.

New claim 197 is identical to claim 1 of US 5,461,501 (Sato et al.) with the additional limitations:

    a reflector/absorber structure which partially reflects and partially absorbs said light incident there, said reflector/absorber structure comprises at least one of said dielectric layer and said another dielectric layer wherein said at least one of said dielectric layer and said another dielectric layer has a first surface, said first surface has disposed in contact therewith a first layer comprising titanium.

Sato et al. has no teaching or suggestion of the limitations added to claim 1 of US 6,424,388, an ancestral application of the present application and of the limitation added to claim 1 of Sato et al. Added claims 183, 185, 187, 195 and 197 recite comprising titanium for which Sato has no teaching. Thus applicants' added claims are not obvious in view of Sato et al., which teaches away from applicants' claimed invention.

Each claim 14, 64, 65, 73, 94, 103, 121, 161, 163, 165, 167, 169, 171, 173, 175, 179, 180, 181, 183, 185, 187, 195 and 197 is an independent claim. Each of these claims is directed to a patentably distinct invention or a patentably distinct species with no generic claim to these species. Applicants suggest the following restriction requirement.

Group	Claims in the Group
1	14
2	64
3	65
4	73
5	94
6	103
7	104
8	161, 162
9	163, 164
10	165, 166
11	167, 168
12	169, 170
13	171, 172
14	173, 174, 176, 189, 190
15	175, 177, 178, 191, 192
16	179, 193
17	180, 194
18	181, 182
19	183, 184, 195, 196
20	185, 186, 197, 198
21	187, 188

If the Examiner agrees with applicants' Suggested Restriction Requirement, applicants elect without traverse Group 19 (Claims 183, 184, 195, 196), applicants authorize the Examiner to cancel claims 14, 64, 65, 73, 94, 103, 104, 161 to 182 and 185 to 194 and 197 to 198 by Examiner's amendment, request that the Examiner state the Examiner's amendment agreement with the Suggested Restriction Requirement and issue a Notice of Allowance for claims 183, 184, 195 and 196. Note applicants have modified the suggested restriction requirement and proposed election without traverse that was proposed in The Second Supplementary Amendment dated 04/21/2008. The

suggested restriction requirement and election without traverse proposed herein supersede that of The Second Supplementary Amendment dated 04/21/2008.

If the Examiner does not agree with the Suggested Restriction Requirement, applicants respectfully request a Notice of Allowance for claims 14, 64, 65, 73, 94, 103, 121 and 161 to 198.

In view of the changes to the claims and the remarks herein, the Examiner is respectfully requested to reconsider the above-identified application. If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

If the above-identified Examiner's Action is a final Action, and if the above-identified application will be abandoned without further action by applicants, applicants file a Notice of Appeal to the Board of Appeals and Interferences appealing the final rejection of the claims in the above-identified Examiner's Action. Please charge deposit account 09-0468 any fee necessary to enter such Notice of Appeal.

In the event that this amendment does not result in allowance of all such claims, the undersigned attorney respectfully requests a telephone interview at the Examiner's earliest convenience.

MPEP 713.01 states in part as follows:

Where the response to a first complete action includes a request for an interview or a telephone consultation to be initiated by the examiner, ... the examiner, as soon as he or she has considered the effect of the response, should grant such request if it appears that the interview or consultation would result in expediting the case to a final action.

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

Respectfully submitted,

IBM Corporation  
Intellectual Property Law Dept.  
P.O. Box 218  
Yorktown Heights, NY 10598

By: /Daniel P. Morris/  
Dr. Daniel P. Morris, Esq.  
Reg. No. 32,053  
Phone No. (914) 945-3217